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RUCNARF/ASEAN REGIONAL FORUM COLLECTIVE

UNCLAS SECTION 01 OF 02 JAKARTA 001785

SENSITIVE
SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, EAP/RSP, CA/FO
CA/VO/L/C BEER
NSC FOR J.BADER, D. WALTON
DHS/ICE/VSU

E.O. 12958: N/A

TAGS: [PREL](#) [CVIS](#) [KISL](#) [ID](#)

SUBJECT: ADDITIONAL INFORMATION ON VISA CASE OF
PRESIDENTIAL ADVISOR (SJAFRIE SJAMSOEDDIN, 30 OCT 52, IDSA)

REF: JAKARTA 01732 AND PREVIOUS

[1](#)1. (U) This message is Sensitive but Unclassified -- Please handle accordingly.

[1](#)2. (SBU) SUMMARY: In reftel message, Mission provided information regarding allegations of gross human rights violations against presidential advisor and Defense Secretary General Sjafrrie Sjamsoeddin. Mission is providing additional information on the allegations brought against Sjamsoeddin that may assist the Department in making a determination on his visa eligibility. The GOI remains keenly interested in having a determination made. Our review of the information available leads us to the conclusion that there is no direct evidence he ordered or took part in the atrocities in East Timor or Jakarta to which he is alleged to have been linked. Lacking any direct evidence, our recommendation is that Sjamsoeddin should be eligible for a U.S. nonimmigrant visa. END SUMMARY

CASE OF PRESIDENTIAL ADVISOR

[1](#)3. (SBU) As reported reftel, Sjafrrie Sjamsoeddin, DPOB October 30, 1952, Indonesia, is the subject of a security advisory opinion due to various allegations against him related to events in East Timor and Jakarta in the 1990s. Jakarta DATT has separately interviewed Sjamsoeddin at length regarding the allegations (septel).

1991 and 1999 EAST TIMOR ALLEGATIONS

[1](#)4. (SBU) The bulk of the allegations against Sjamsoeddin concern East Timor. Human rights observers have accused Sjamsoeddin of involvement in the 1991 Santa Cruz massacre, in which more than 55 people were killed in and around the Santa Cruz Cemetery in East Timor. According to Sjamsoeddin's own account, he was in Dili at the time but not involved in the massacre. Sjamsoeddin points out that his unit was replaced before the incident occurred. Sjamsoeddin has further stated that, on the day of the massacre, he rescued American and Australian journalists from pro-Indonesia militia members. The accounts of an officer serving at Mission at that time appear to lend credence to Sjamsoeddin's assertion that he assisted foreign nationals escape the violence. There is no direct evidence in any case tying him to the Santa Cruz killings.

[1](#)5. (SBU) Human rights observers have accused Sjamsoeddin of

having taken no action to stop Indonesian forces from killing civilians in Dili in 1999, while serving as Assistant for Territorial Affairs to the Commander-in-Chief of the Armed Forces (ASTER). Mission is aware of information indicating that Sjamsoeddin may have been in contact with militia leaders in East Timor at that time. However, Mission's investigations have turned up no specific evidence of his direct involvement in 1999 East Timor human rights violations. Sjamsoeddin has stated to Mission that he explained to the Indonesian Investigative Commission into Human Rights Violations in East Timor/National Commission on Human Rights in East Timor the events of September 1999, including the violence at the home of Bishop Francisco Belo. The Commission absolved him of any wrongdoing.

16. (SBU) As noted reftel, at the request of the United Nations Transitional Administration in East Timor (UNTAET) James Dunn investigated allegations of Sjamsoeddin having committed gross human rights violations and concluded he was implicated. According to an Australian Associated Press report dated April 20, 2001, UNTAET refused to release Dunn's report. Moreover, UN chief Prosecutor Mohamed Othman criticized the content, conclusions and structure of the report. Othman stated, "It is his (Dunn's) own report and reflects his own views," and added that the report lacked hard and original evidence. Othman emphasized that Dunn had no official status with the United Nations and was only engaged as a consultant to UNTAET. Othman continued, "making the report public has diminished its effectiveness as a legal document as it can now be challenged for prejudicing our investigation." John Martinkus's authoritative account of

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human rights violations East Timor in 1997-2000, "A Dirty Little War," makes no mention of Sjamsoeddin.

17. (SBU) The report of the Indonesia/Timor-Leste Commission on Truth and Friendship (CTF) on East Timor makes no mention of Sjamsoeddin having committed any human rights violations while posted in Dili. Moreover, the UN Serious Crimes Unit in Dili did not investigate him. Amcit David Cohen (please protect), a member of the CTF, told Poloff that Sjamsoeddin was not someone who came up during the CTF's investigative process. Cohen is the Director of UC Berkeley's War Crimes Studies Center and is considered an expert on East Timor.

18. (SBU) Sjamsoeddin was one of many military officers listed in the report of the Timor-Leste Commission for Reception, Truth, and Reconciliation (CAVR) as a "Person with High Level Command Responsibility" for his role as ASTER from June to September 1998. However, the report does not attribute any specific wrongdoing to him.

1998 JAKARTA ALLEGATIONS

19. (SBU) Various reports have alleged that, as Commander of the Jakarta Military Command, Sjamsoeddin allowed violations of human rights to occur during the May 1998 riots in Jakarta, including the May 12, 1998, shootings at Trisakti University. In response to these allegations, Sjamsoeddin has stated to Mission that the police lost control and the military was called in to secure strategic areas. (Note: At that time, Indonesian military and police were under joint command.) Sjamsoeddin has stated that all of his actions were in line with Indonesian law. At the request of the Indonesian Human Rights Commission, the GOI conducted a special investigation into the Trisakti incident and subsequent violence in Jakarta. The investigative commission recommended that he be questioned but did not recommend bringing charges against him. According to Minister of Defense Sudarsono, in September 1999 the State Secretariat cleared Sjamsoeddin of all accountability and legal responsibility for the mid-May 1998 riots and subsequent public disorder.

NO KNOWN CONNECTION WITH EXTREMIST GROUPS

¶10. (SBU) As reported reftel, a search of all sources of information available to us have not found any links between Sjamsoeddin and violent Muslim extremist groups. In 2000, sources alleged that Sjamsoeddin was involved with such groups in South Sulawesi. However, we have been unable to obtain access to this information. Separately, Mission has reviewed TD-314/40150-04 and believes that it contains no specific derogatory information regarding Sjamsoeddin.

MISSION RECOMMENDATION

¶11. (SBU) As noted above, Mission is aware of the multiple allegations against Sjamsoeddin and has looked into them in detail. None of the various official Indonesian, Timorese, or UN investigations of which we are aware found culpability on Sjamsoeddin,s part or recommended that he be punished. The bottom line of our review is that there is no evidence linking Sjamsoeddin directly to the human rights abuses that occurred in the cases mentioned above. We do not believe that circumstantial evidence linking Sjamsoeddin to these incidents through his positions of command is enough to find visa ineligibility. Therefore, Mission,s recommendation is that Sjamsoeddin should be issued a U.S. visa.
HUME